



House of Representatives

File No. 650

General Assembly

February Session, 2000

(Reprint of File No. 452)

Substitute House Bill No. 5701
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 19, 2000

An Act Concerning The Forfeiture Of Electoral Rights And Privileges.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-45 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) The [Judicial Department] Commissioner of Correction shall, on
4 or before the fifteenth day of each month, transmit to the Secretary of
5 the State a list of all persons who, during the preceding calendar
6 month, have been convicted in the Superior Court of [any crime for
7 which the privileges of an elector are forfeited] a felony and committed
8 to the custody of the Commissioner of Correction for confinement in a
9 correctional institution or facility or a community residence. Such lists
10 shall include the names, birth dates and addresses of such persons,
11 with the dates of their conviction and the crimes of which such persons
12 have been convicted. The Secretary of the State shall transmit such lists
13 to the registrars of the towns in which such convicted persons resided
14 at the time of their conviction and to the registrars of any towns where
15 the secretary believes such persons may be electors. The registrars of

16 such towns shall compare the same with the list of electors upon their
17 registry lists and, after written notice mailed by certified mail to each
18 of the persons named at [his] the person's last-known place of address,
19 shall erase such names from the registry lists in their respective towns
20 or voting districts.

21 (b) Any person who procures [himself] such person or another to be
22 registered after having been disfranchised by reason of conviction of
23 crime and committal to the custody of the Commissioner of Correction
24 for confinement in a correctional institution or facility or a community
25 residence, and any person who votes at any election after having
26 forfeited [his] such privileges by reason of conviction of crime and
27 such committal, shall be fined not more than five hundred dollars and
28 imprisoned not more than one year.

29 Sec. 2. Section 9-46 of the general statutes is repealed and the
30 following is substituted in lieu thereof:

31 (a) A person shall forfeit [his] such person's right to become an
32 elector and [his] such person's privileges as an elector upon conviction
33 of a felony and committal to the custody of the Commissioner of
34 Correction for confinement in a correctional institution or facility or a
35 community residence, committal to confinement in a federal
36 correctional institution or facility, or committal to the custody of the
37 chief correctional official of any other state for confinement in a
38 correctional institution or facility or a community residence in such
39 state.

40 (b) No person who has forfeited and not regained [his] such
41 person's privileges as an elector, as provided in section 9-46a, as
42 amended by this act, may be a candidate for or hold public office.

43 Sec. 3. Section 9-46a of the general statutes is repealed and the
44 following is substituted in lieu thereof:

45 (a) A person who has been convicted of a felony and committed to
46 confinement in a federal or other state correctional institution or

47 facility or community residence shall have his electoral privileges
48 restored upon submission of written or other satisfactory proof to the
49 admitting official before whom he presents his qualifications to be
50 admitted as an elector, that all fines in conjunction with the conviction
51 have been paid and that he has been discharged from confinement,
52 and, if applicable, parole. [or probation, as the case may be.]

53 (b) Upon the release from confinement in a correctional institution
54 or facility or a community residence of a person who has been
55 convicted of a felony and committed to the custody of the
56 Commissioner of Correction and, if applicable, the discharge of such
57 person from parole, (1) the person shall have the right to become an
58 elector, (2) the Commissioner of Correction shall give the person a
59 document certifying that the person has been released from such
60 confinement and, if applicable, has been discharged from parole, (3) if
61 the person was an elector at the time of such felony conviction and,
62 after such release and any such discharge, is residing in the same
63 municipality in which the person resided at the time of such felony
64 conviction, the person's electoral privileges shall be restored upon
65 submitting to an admitting official such document or other satisfactory
66 proof that the person has been released from such confinement and, if
67 applicable, discharged from parole, and (4) if the person was an elector
68 at the time of such felony conviction and, after such release and any
69 such discharge, is residing in a different municipality or if the person
70 was not an elector at the time of such felony conviction, the person's
71 electoral privileges shall be restored or granted upon submitting to an
72 admitting official (A) satisfactory proof of the person's qualifications to
73 be admitted as an elector, and (B) such document or other satisfactory
74 proof that the person has been released from confinement and, if
75 applicable, discharged from parole. The provisions of subdivisions (1)
76 to (4), inclusive, of this subsection shall not apply to any person
77 convicted of a felony for a violation of any provision of title 9 until
78 such person has been discharged from any parole or probation for
79 such felony.

80 [(b)] (c) The registrars of voters of the municipality in which a
81 person is admitted as an elector pursuant to subsection (a) or (b) of this
82 section, within thirty days after the date on which such person is
83 admitted, shall notify the registrars of voters of the municipality
84 wherein such person resided at the time of [his] such person's
85 conviction that [his] such person's electoral rights have been so
86 restored. [to him.]

87 [(c)] (d) The [Judicial Department, the] Commissioner of Correction
88 [and the Board of Parole] shall establish procedures to inform those
89 persons who have been convicted of a felony [, have been under the
90 jurisdiction of said department, commissioner or board] and
91 committed to the custody of said commissioner for confinement in a
92 correctional institution or facility or a community residence, and are
93 eligible to have their electoral privileges restored or granted pursuant
94 to subsection [(a)] (b) of this section, of the right and procedures to
95 have such privileges restored. The Office of Adult Probation shall,
96 within available appropriations, inform such persons who are on
97 probation on the effective date of this section of their right to become
98 electors and procedures to have their electoral privileges restored,
99 which shall be in accordance with subsections (b) and (c) of this
100 section.

101 (e) The Commissioner of Correction shall, on or before the fifteenth
102 day of each month, transmit to the Secretary of the State a list of all
103 persons convicted of a felony and committed to the custody of said
104 commissioner and who, during the preceding calendar month, have
105 been released from confinement in a correctional institution or facility
106 or a community residence and, if applicable, discharged from parole.
107 Such lists shall include the names, birth dates and addresses of such
108 persons, with the dates of their convictions and the crimes of which
109 such persons have been convicted. The Secretary of the State shall
110 transmit such lists to the registrars of the municipalities in which such
111 convicted persons resided at the time of their convictions and to the
112 registrars of any municipalities where the secretary believes such
113 persons may be electors.

114 Sec. 4. This act shall take effect January 1, 2001.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Correction, Offices of the Secretary of State and Adult Probation

Municipal Impact: None

Explanation**State Impact:**

The bill as amended requires the Department of Correction to send the Secretary of State a list of felons whose voting rights should be forfeited and a list of those eligible to have their rights restored. The bill also requires the Office of Adult Probation to inform people on probation of their right to become voters. It is anticipated that these requirements can be carried out within the agencies' normal resources.

It should be noted that the Secretary of State would continue to disseminate this information to municipalities.

House "A" makes technical changes including that all felons (federal, state and otherwise) are eligible to vote during probation.

OLR Amended Bill Analysis

sHB 5701 (as amended by House "A")*

AN ACT CONCERNING THE FORFEITURE OF ELECTORAL RIGHTS AND PRIVILEGES.**SUMMARY:**

With one exception, this bill makes felons eligible to vote and to run for public office while they are on probation. It does this by limiting the amount of time a person can be disenfranchised to the period when he is committed to (1) the Department of Correction (DOC) commissioner's custody to be confined in a correctional institution, facility, or community residence or placed on parole; (2) a federal prison; or (3) the custody of the chief correctional official of another state. A person who is released from prison after serving time for an elections-related felony conviction is not eligible to get his rights back until he is discharged from parole or probation.

The bill requires the DOC commissioner, instead of the Judicial Department, to send the secretary of the state a list of felons whose voting rights should be forfeited and a list of those eligible to have their rights restored. It establishes a new procedure for restoring the voting rights of felons who were confined to the commissioner's custody.

It requires the Office of Adult Probation to use available appropriations to inform people on probation on January 1, 2001 of their right to become voters and of the restoration procedures the bill establishes.

*House Amendment "A" makes (1) all felons, rather than just those convicted of state offenses in this state, eligible to vote while they are on probation and (2) technical changes.

EFFECTIVE DATE: January 1, 2001

FORFEITURE OF VOTING RIGHTS AND PRIVILEGES***Applicability***

Under current law, felons forfeit their electoral rights and privileges while serving their sentence, which may include parole and probation. The bill limits the law's application to felons imprisoned in a federal prison or state or out-of-state correctional institution or facility or a community residence.

Procedure

By the 15th of each month, the bill requires the DOC commissioner to send the secretary of the state a list of all convicted felons committed to his custody during the preceding calendar month. Under current law, the Judicial Department provides the secretary with this list.

As with the Judicial Department's list, the DOC commissioner's list must include each inmate's name, birth date, address, date of conviction, and crime. The secretary gives the list to the registrar of the town where (1) each felon lived when he was convicted and (2) the secretary believes each one was registered to vote. The registrars must compare the list with the voter registry list and, after written notice to the felon's last known address, erase the name from the voting list.

RESTORATION OF VOTING RIGHTS AND PRIVILEGES

The bill provides that felons who have not been convicted of elections-related crimes are eligible to have their voting rights restored when they are released from the DOC commissioner's custody.

If, upon release, the person resides in the town where he was registered to vote, the town's registrar must restore his voting privilege upon satisfactory proof that he was released from prison and completed any parole. The commissioner must give a release certificate to inmates who complete their term of incarceration and any parole.

If the person was not registered to vote when he was convicted or he moves to a different town upon release, he must prove that he is qualified to vote and that he was released from prison and completed any parole.

Felons who are placed on probation after being confined in a federal or out-of-state correctional institution continue to be entitled to have their

rights restored only after submitting proof that they have paid all court-ordered fines related to the conviction and that they were discharged from confinement or parole, whichever applies.

LIST OF PEOPLE ELIGIBLE TO HAVE THEIR VOTING RIGHTS RESTORED

The bill requires the DOC commissioner, on the 15th of each month, to send the secretary of the state a list of all felons released from his custody during the preceding calendar month. The list must include the same information as the list required upon conviction (i.e., each inmate's name, birth date, address, date of conviction, and crime). The secretary must send the list to the registrar of (1) each inmate's town of residence at conviction and (2) the town where she believes he was registered to vote.

By law, the commissioner must inform felons in his custody of their right to, and the procedure for, have their voting privileges restored. The bill eliminates a requirement for the parole board to provide such information.

BACKGROUND

Legislative History

On April 10, 2000, the House referred the bill (File 452) to the Government Administration and Elections Committee, which reported it unchanged on April 12, 2000.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 23 Nay 17

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 16 Nay 6